IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 16731 of 2007(P)

PETITIONER:

C.T.GEORGE, AGED 47, S/O THOMAS,
CHAMMANIKODATH HOUSE, FRIENDSHIP NAGAR,
SOUTH JANATHA ROAD, PALARIVATTOM, COCHIN-25.

BY ADV. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.

BY GOVT. PLEADER SRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.16731 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the notification dtd.18.2.93.

Ext.P2: Copy of the order of the 1st respondent dtd.24.12.2002.

Ext.P3: Copy of the notification td.14.8.2003.

Ext.P4: Copy of the judgment in MVAA No.305/03 dtd.11.8.04.

Ext.P5: Copy of the letter dtd.6.5.05.

Ext.P6: Copy of the regular permit granted to one K.C.Mohandas.

Ext.P7: Copy of the order of the 1st respondent dtd.19.7.2005.

Ext.P8: Copy of the judgment in MVAA No.586/05 dtd.31.3.2006.

Ext.P9: Copy of the order of R1 dtd.18.7.06.

Ext.P10: Copy of the order of R1 dtd.26.9.06.

Ext.P11: Copy of the Judgment in W.P(C) No.712/07 dtd.2.3.07.

Ext.P12: Copy of the order of the 1st respondent dtd.15.3.07.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 16731 OF 2007 - P

Dated this the 19th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P12 order of the R.T.A. rejecting application for permit and seeks implementation of Ext.P8 judgment of the State Transport Appellate Tribunal whereby the appeal filed by the petitioner was allowed and the Regional Transport Authority (R.T.A) was ordered to transfer the permits granted to S.C. and S.T. members out of general category to the category of S.C. and S.T. and fill up the resultant vacancies in the general category on such transfer by allotting permits to the then pending applicants, according to the merit of the claim.

2. The contention of the Government Pleader is that there would be overlapping of a notified route if the permit is given, and on that ground, he supports Ext.P12.

3. I do not think that the respondents can raise such a contention without challenging Ext.P8 judgment, which can also be done only by the Government and not

the R.T.A. which is a quasi judicial authority. In the above circumstances, I quash Ext.P12 and direct the first respondent- R.T.A. to implement the direction in Ext.P8 judgment in letter and spirit as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007